

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:99CR00344-006 (PG)

LIZBETH CABAN-OLIVO

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE
AND REQUESTING MODIFICATION OF CONDITIONS OF RELEASE**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Martín De Santiago, Senior U.S. Probation Officer of this Court, presenting an official report upon the conduct and attitude of Lizbeth Cabán-Olivo, who was sentenced on June 1, 2001, to thirty-seven (37) months of imprisonment after she was convicted of violating Title 21 U.S. Code, Section 846. A supervised release term of four (4) years was imposed with the special conditions which included drug testing, and treatment if necessary, and search and seizure. A special monetary assessment in the amount of \$100 was also imposed. On October 13, 2003, the offender was released from custody at which time the supervision term imposed commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Since her release from custody, the offender violated the following supervision conditions:

**1 - MANDATORY CONDITION - "THE DEFENDANT SHALL NOT COMMIT
ANOTHER FEDERAL, STATE, OR LOCAL CRIME."**

The offender was charged with Aggravated Illegal Appropriation in the third and fourth degrees, in violation of Article 193 of the Puerto Rico Penal Law Code, on January 27, 2007. Mrs. Cabán-Olivo allegedly shoplifted at JC Penny's and Macy's Department Stores located in San Juan, Puerto Rico. On May 9, 2007, the San Juan Court dismissed the aforementioned case pursuant to local rule 64N-6.

2 - CONDITION NO. 11 - "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN 72 HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER."

A few months ago, this officer learned that Mrs. Cabán-Olivo had been charged with two counts of Aggravated Illegal Appropriation, all this in violation of Article 193 of the Puerto Rico Penal Law Code. The offender did not disclose the aforementioned case to the undersigned officer until we learned about same and it was brought to her attention. Mrs. Cabán-Olivo admitted her wrongdoing and she related that she had not disclosed same because she feared losing her two minor children. As she has two minors, she requested clemency from the Court. Based on the aforementioned, it is recommended that some type of sanction be imposed in this case.

The aforementioned was discussed with the offender and she has agreed to the modification of conditions as noted on the attached Probation Form 49 - Waiver of Hearing to Modify Conditions of Probation/Supervised Release of Extend Term of Supervision, modifying her conditions to require her placement in the Home Confinement Program.

WHEREFORE, it is respectfully requested, unless ruled otherwise by the Court, that our request for the modification of conditions be granted as noted on the attached waiver.

In San Juan, Puerto Rico, this 8th day of June 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Martin De Santiago
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MDS/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Julia Diaz-Rex, Assistant U.S. Attorney, and that I hereby certify that I have mailed by U.S. Postal Service the document to the following non CM/ECF participant:

Mrs. Lizbeth Cabán-Olivo, José C. Barbosa Public Housing Complex, Bldg. 18, Apt. 161, Bayamón, Puerto Rico 00957.

In San Juan, Puerto Rico, this 8th day of June 2007.

s/Martin De Santiago
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MDS/